

In the Claims:

Amend claim 11 to recite the language presented below; and

Retain claim 12 as a previously presented claim

In addition, in view of the explicit holdings rendered by the U.S. Supreme Court in the *Festo* case recently decided on May 28, 2002 [Festo Corp. v. Shoketsu Kinzoku Kabushiki Co. Ltd. *et al.*, 62 U.S.P.Q.2d 1705 (2002)] concerning the applicability of the legal doctrine of equivalents to amended claim language, applicants now present a formal attestation and affirmation of their legal position and substantive rights: Applicants do not now surrender for any reason, nor have previously surrendered at any time or for any reason during the prosecution of the instant application, any inventive subject matter which is or could be expected to be a particular equivalent of the invention defined by the language of the amended claims then pending by a person ordinarily skilled in this art; and that no presumption of estoppel, either in law or equity, exists or pertains now or at any time previously as a potential bar to the application of the doctrine of equivalence for any and all possible embodiments which may be found to be encompassed now or in the future by the language of the amended claims proffered now or at any time previously for examination to the U.S. Patent Office. Accordingly, applicants

affirmatively rebut and explicitly dispute any presumption that the doctrine of equivalence for the language of the amended claims has been surrendered or is not in full force for any reason and at any time during the prosecution for any and all amended claims prosecuted for the instant application.

Also, in accordance with the revised amendment practice (which became compulsory on July 30th, 2003), applicants now present a listing of all the claims in ascending numerical order which were ever submitted for review; and include an identification of those cancelled or withdrawn claims which were previously submitted as well as the full text of the claims currently pending in the instant application. The listing of all claims and the full text of the presently pending claims begins on the immediately following page.

Claims 1-10 (Withdrawn).

Claim 11 (Currently amended): A family of PR-39 derived oligopeptides whose members individually cause a selective inhibition of proteasome-mediated degradation for at least one identifiable peptide in-situ after introduction intracellularly to a viable cell, each member of said PR-39 derived oligopeptide family:

being a peptide ranging from about 8 to about 25 ~~less than 26~~ amino acid residues in length;

being a peptide having a N-terminal amino acid residue sequence which begins with Arg-Arg-Arg;

being a peptide which is devoid of the amino acid residue sequences Pro-Pro-X-X-Pro-Pro-X-X-Pro and Pro-Pro-X-X-X-Pro-Pro-X-X-Pro where X is any amino acid;

being a peptide able to be introduced intracellularly to a viable cell;

being a peptide able to interact selectively in-situ with such proteasomes as are present within the cytoplasm of the cell; and

being a peptide able to alter markedly the proteolytic degradation of at least one identifiable peptide mediated by said interacting proteasomes such that an increased expression of said identifiable peptide occurs in-situ.

12. (Previously presented): The PR-39 derived oligopeptide family as recited in claim 11 whose membership includes a peptide comprised of 15 amino acid residues whose sequence is Arg-Arg-Arg-Pro-Arg-Pro-Pro-Tyr-Leu-Pro-Arg-Pro-Arg-Pro-Pro (SEQ ID NO: 3).

Claims 13 -14 (Withdrawn).